

Legistar 17096 Frequently Asked Questions

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Q1. What does this ordinance amendment do?

This amendment makes the existing development pattern method for determining waterfront setback applicable only to property whose principal use is residential.

Q2. What does that mean?

Currently, when a waterfront parcel is developed or re-developed, regulations in MGO 28.04(19) are used to determine how close the new principal building can be to the lake (minimum setback). This minimum setback distance is calculated by averaging the existing setback of the principal buildings on the five developed lots on each side of the new development site. If the owner wants to build closer than the average setback, they must then apply to the Zoning Board of Appeals for a variance. This is in addition to the required yard areas as described in the base zoning districts that apply to a property.

Under the amendment, this setback calculation would apply only to residential development, not other non-residential development, which primarily include commercial, institutional, or parks and other open spaces.

Q3. Does that mean someone could build as close to the lake as they want?

No. The city Plan Commission has jurisdiction over the manner of all waterfront development, including the setback from the lake as part of its conditional use process. The only difference with the amendment is that the average method described above would not define the required setback. The yard requirements of the base zoning district and the Plan Commission decision on the Conditional Use request would establish the setback. This simply gives more discretion to the Plan Commission to address unique situations as they arise.

Q4. Will this affect residential development?

No.

Q5. Is this change consistent with the proposed new zoning code currently making its way through various city committees?

Yes. The new zoning code specifies setback calculations for residential development only.

Q6. How many parcels would this amendment affect?

Of the approximately 578 parcels of land on Madison's lakes (not including street and railroad right-of-way), the following is a summary:

- 475 (82%) are residential, 6.5 miles of lake frontage
- 70 (12%) parks and open spaces, 22.5 miles of lake frontage
- 13 (2.2%) institutional, 8.4 miles of lake frontage
- 12 (2.1%) commercial, 0.4 miles of lake frontage
- 6 (.01%) undeveloped (most likely scattered among residential properties), 0.2 miles of lake frontage

Q7. So why make this change?

Because there are so few non-residential waterfront parcels in the city and each of these parcels is unique, this change would allow the Plan Commission to consider proposals for development on an individual basis rather than expecting them to conform to a requirement that was designed to generally align single family home sites on the lakes.

Q8. Hasn't the existing ordinance protected our lakes?

Since the ordinance was enacted in 1974, there have been very few non-residential developments on waterfront property in the city that staff can recall, to which the ordinance would apply.

Q9. What about Monona Terrace?

The current ordinance was amended prior to construction of Monona Terrace to specifically exempt civic auditorium complexes, so Monona Terrace did not need a variance.

Q10. Will this change promote increased commercial development on the lake?

There's no reason to expect this change would cause an increase in commercial development proposals, as it does not make commercial development any more (or less) attractive or economically feasible. This change does not affect the process for rezoning a residential parcel to commercial use.

Q11. Isn't it inappropriate to be changing zoning code for one project?

Changing the zoning code for a specific project is common practice. The zoning text has been amended to enable many specific projects, including hotels, farmers markets, urban agricultural uses, to name a few recent amendments. Almost all large projects except single-family homes use the Planned Unit Development (PUD) process, which lets the developer create entirely new zoning for a parcel. (Edgewater has also applied for a PUD.) Each PUD is an amendment to the city zoning code.